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## RECENT DECISIONS

**BROKERS—EXCLUSIVE AGENCY.**—The defendant employed the plaintiff to sell real estate giving him a definite time in which to procure a purchaser, and informed him that the land was listed with no other agent. Before the expiration of the time fixed the defendant sold the land through another broker. Subsequently the plaintiff produced a purchaser within the prescribed time, and brought an action for commission. *Held*, the plaintiff can recover. *Paulsen v. Rourke* (Col.), 145 Pac. 711.

Where property is placed in the hands of a broker for sale, the general rule is that the owner may nevertheless sell the property himself, even if he has not reserved the right to do so, without incurring liability to the broker. *Stewart v. Murray*, 92 Ind. 543, 47 Am. Rep. 167. Where an exclusive agency is expressly given the owner cannot sell the property through another broker. *Moses v. Bierling*, 31 N. Y. 462. Though in such case the owner himself may sell without becoming liable to the broker. *Dale v. Sherwood*, 41 Minn. 535, 43 N. W. 569, 5 L. R. A. 720. When it is stipulated that the broker shall have a definite time within which to make a sale, some courts imply from such a stipulation a prohibition on the principal to terminate the employment within the time, by sale or otherwise. *Blumenthal v. Bridges*, 91 Ark. 212, 120 S. W. 974, 24 L. R. A. (N. S.) 279. But the contrary has been held. *Hammond v. Mau*, 69 Wash. 204, 124 Pac. 377, 40 L. R. A. (N. S.) 1142.

**CARRIERS—CONSTITUTIONAL LAW—OBLIGATION OF A CONTRACT.**—A railroad company, which was empowered by the State statute to regulate rates for the transportation of freight, entered into a contract with a business concern purporting to fix the rates for the transportation of freight for so long as the concern did business. *Held*, such a contract could be annulled by action of the Railroad Commission under statutory authority fixing rates other than those named in the contract, without impairing the obligation of the contract. *Minneapolis, St. P. & S. S. M. Ry. Co. v. Menasha Wooden Ware Co.* (Wis.), 150 N. W. 411.

It is universally conceded that a State has the sovereign right to regulate intrastate railroad rates in the absence of a provision as to rates in the charter of the company constituting a contract. *Peik v. Chicago, etc., Ry. Co.*, 94 U. S. 164, 24 L. Ed. 97; *Georgia R. R. & Banking Co. v. Smith*, 128 U. S. 174, 32 L. Ed. 37; *Stone v. Farmers' Loan & Trust Co.*, 116 U. S. 307, 325, 331. And in order to exempt a railroad corporation from legislative interference with its rates it must appear that the exemption was made in the charter by clear and unmistakable language, inconsistent with any reservation on the part of the State. *Georgia R. R. & Banking Co. v. Smith*, *supra*. Furthermore this power of the State to regulate the rates of a railroad is not lost by non-user and the fact that it allowed the railroad itself to regulate the rates for